

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

No. CR-09-00337 CW

Plaintiff,

ORDER FOR PRETRIAL
PREPARATION FOR CRIMINAL
JURY TRIAL

v.

DANIEL LAWRENCE MCCOY

Defendant.

_____/

Good cause appearing, it is hereby ordered that:

1. TRIAL DATE

a. Jury trial will begin on April 19, 2010, at 8:30 A.M., in Courtroom 2, 4th Floor, 1301 Clay Street, Oakland, California.

b. The length of trial will be not more than 5 days.

2. DISCOVERY

Both sides will comply with the Federal Rules of Criminal Procedure, Crim. L.R. 16-1, and the United States will comply with Brady v. Maryland, 373 U.S. 83 (1963) and United States v. Agurs 427 U.S. 97 (1976).

3. MOTIONS

Pretrial motions shall be noticed in accordance with Crim. L.R. 47-2 for any available Wednesday on or before April 14, 2010.

4. PRETRIAL CONFERENCE

a. A pretrial conference will be held on Wednesday, April 14, 2010, at 2:00 P.M. (in custody), in Courtroom 2. It shall be attended by the attorneys who will try the case.

b. Not less than one week prior to the pretrial conference, counsel shall comply with Crim. L.R. 17.1-1(b).

c. Jury instructions §1.1 through §1.12, §3.1 through §3.10 and §7.1 through §7.6 from the Manual of Model Jury Instructions for the Ninth Circuit (2003) will be given absent objection. Counsel shall jointly submit one set of additional proposed jury instructions, ordered in a logical sequence, together with a table of contents, using the Ninth Circuit Manual where possible, or Devitt and Blackmar or CALJIC, **not less than one week prior to the pretrial conference**. Any instructions on which counsel cannot agree shall be marked as "disputed," and shall be included within the jointly submitted instructions and accompanying table of contents, in the place where the party proposing the instruction believes it should be given. Argument and authority for and against each disputed instruction shall be included as part of the joint submission, on separate sheets directly following the disputed instruction. Counsel for the United States shall submit a verdict form. The attached voir dire will be given to the venire members. Counsel should submit an agreed upon set of additional requested voir dire questions to be posed by the Court. Any voir dire questions on which counsel cannot agree shall be submitted separately. Counsel will be allowed brief follow-up voir dire after the Court's questioning.

1 Any motions in limine should be noticed for hearing at the
2 pretrial conference in accordance with Criminal Local Rule 47-2.

3 5. JURY SELECTION

4 The Jury Commissioner will summon 35 to 40 prospective
5 jurors. The Courtroom Deputy will select their names at random
6 and seat them in the courtroom in the order in which their names
7 are called.

8 Voir dire will be asked of sufficient venire persons so that
9 twelve (plus a sufficient number for alternates) will remain after
10 all peremptory challenges and an anticipated number of hardship
11 dismissals and cause challenges have been made.

12 The Court will then take cause challenges, and discuss
13 hardship claims from the individual jurors, outside the presence
14 of the venire. The Court will inform the attorneys which hardship
15 claims and cause challenges will be granted, but will not announce
16 those dismissals until the process is completed. Peremptory
17 challenges will be made in writing and passed between counsel in
18 accordance with Crim. L.R. 24-2 and 24-3. The Court will strike
19 the persons with meritorious hardships, those excused for cause,
20 and those challenged peremptorily, and call the first twelve
21 people (plus alternates) in numerical sequence remaining. Those
22 people will be the jury.

23 2/23/10

24 Dated: _____



25 CLAUDIA WILKEN
26 United States District Judge
27
28

JUROR QUESTIONNAIRE

Please fill out this form as completely as possible and print clearly. Since we want to make copies for the attorneys and the Court, do not write on the back of any page. If you need more room, continue at the bottom of the page. Thank you for your cooperation.

1. Your name: _____

2. Your age: _____

3. The city where you live: _____

How long have you lived there: _____

4. Your place of birth: _____

5. Do you rent or own your own home? _____

6. Your marital status: (circle one)

single married live with partner separated divorced widowed

7. What is your occupation, and how long have you worked in it? (If you are retired, please describe your main occupation when you were working).

8. Who is (or was) your employer?

9. How long have you worked for this employer? _____

10. Please list the occupations of any adults with whom you live.

11. If you have children, please list their ages and sex and, if they are employed, please give their occupations.

1 12. Please describe your educational background:

2 Highest grade completed: _____

3 College and/or vocational schools you have attended:

4 _____
5 _____
6 _____

7 Major areas of study: _____

8 13. Have you ever served on a jury before? _____ How many
9 times? _____

10 If yes: State/County Court _____ Federal Court _____

11 When? _____

12 Was it a civil or criminal case? _____

13 Did the jury(ies) reach a verdict? _____

14 14. Attached is a list of the parties in this case, the law firms
15 representing the parties, attorneys in this case, and persons
16 who are potential witnesses in this case. Do you know, or
17 think you know, any of the persons listed?

18 Yes: _____ No: _____

19 If so, make a check next to their name.
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